

REMARKS

Applicant respectfully requests entry of the remarks submitted herein. No claims have been amended herein, and claims 13-18 have been canceled without prejudice to continued prosecution. Claims 1-6 are pending and 7-12 are withdrawn. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §103 Rejection

Claims 1-6 stand rejected under 35 U.S.C. §103 as being unpatentable over Daly et al. (1998) in view of Soreq et al. (U.S. Patent No. 5,807,671). This rejection is respectfully traversed.

The authors of the Daly et al. reference, James Daly and Girish Kotwal, are the inventors on the instant application. Therefore, the Daly et al. reference is not "by another." In addition, the present application has an effective filing date of January 19, 1999. The first page of the Daly et al. reference indicates that the manuscript was received for publication on August 20, 1998, received in revised form on October 8, 1998, and accepted for publication on October 25, 1998. The Daly et al. reference was published in the November-December, 1998 issue of *Neurobiology of Aging*. Since the Daly et al. reference corresponds to the disclosure of the instant application, it is apparent from the first page of the reference that the date of the above-indicated invention was prior to the Nov-Dec 1998 publication of the Daly et al. reference. Therefore, the Daly et al. reference is not available as prior art under 35 U.S.C. §103. In the absence of the Daly et al. reference, the Soreq et al. reference does not teach or suggest the claimed invention. In view of the remarks herein, Applicants respectfully request that the rejection of claims 1-6 under 35 U.S.C. §103 be withdrawn.

Applicant : Girish Kotwal et al.
Serial No. : 09/889,624
Filed : November 7, 2001
Page : 5 of 5

Attorney's Docket No.: 17541-033001

CONCLUSION

Applicants respectfully request that claims 1-6 be allowed, and that claims 7-12 directed toward the composition recited in the methods of claims 1-6 be rejoined and allowed as well.

Please apply any charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date:

August 3, 2004

M. Angela Parsons
M. Angela Parsons, Ph.D.
Reg. No. 44,282

Fish & Richardson P.C., P.A.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696